REMARKS

The Office has now rejected claims 1-2 under 35 U.S.C. 103(a) as the "obvious" incorporation into the voice communication security system of the Johnson patent ('543), of GPS data communication as taught in the Brewster patent ('337) and of pedestrian location information communication as disclosed in the Hollenberg patent ('956).

Claims 3-18 have been similarly rejected, but also in light of the Sheffer patent concept of a movable cellular phone and a vehicle control channel.

It is, however, respectfully submitted, that neither Johnson nor any of Brewster, Hollenberg or Sheffer even suggests in the slightest, let alone discloses, the underlying overall concept of the claimed invention.

On its face, this piecing together and stretching of bits and pieces of radically differently operating patent systems--all with the hindsight of the totally original overall strategy of applicants' invention--is, with respect, an untenable and legally improper use of an "obviousness"-type of ground of rejection.

This is particularly so in the light of the Office concessions that the Johnson patent even "does not clearly indicate the control channel" (bottom of page 3 of earlier Office action of March 7, 2003); and that Johnson "does not clearly indicate GPS constellation position data radio communication" or "the user's GPS receiver for transmitting of requested GPS information over control channel to said control center" (page 4 of current Office action); and that even Johnson and Brewster together do "not clearly indicate the requesting location information for the associated transmitting of location data from control center to user" (page 5 of Office action) ; that the Sheffer patent "does not clearly indicate the requesting location information, and the transmitting of the associated location data from control center to user" (page 5 of said earlier Office action); and the speculation (in the earlier Office action) at most that it is "apparently obvious to include Hollenberg's transmitting location information...such

that the system could be efficient to provide location information" (page 5 of earlier Office action).

The fact is, however, that none of these references even hints at, let alone actually suggests, and certainly does not disclose, applicants' inventive concept or the solution of the problems they have addressed.

Unlike the cited prior art, applicants have specifically set out to provide in

> "portable cellular phone voice communication and positional location data communications...a novel separation of voice and data aspects of the equipment and services (that) promises improved performance with substantially lower costs" (page 2 of specification, emphasis added)

This is accomplished, in accordance with applicants' novel teaching, by first conventionally using voice communication between a portable cellular telephone user and a control center over the regular cellular voice communication path of a cellular radio phone network. Such voice communication involves the user, in the words of, for example, presently amended claim 1, "requesting user-location information services" of a network operations control center from a portable cellular telephone and is transmitted "over the cellular radio voice path".

Applicants then, totally uniquely as compared with the cited references, use the cellular phone network "different data radio control channel path" (not the cellular telephone radio voice communication path) to send a "radio signal from the control center over the different data radio control channel path" to the user to activate the GPS receiver at the user location and to cause the GPS "transponder at said user location to transmit the processed location data", again over the "data radio control channel path back to said control center". At the control center, as further recited in claim 1 as amended, this "transmitted user-location data received over the data radio control center path by the control center" is subjected to the step of "associating at the control center the transmitted location data received over the data radio control channel path by the control center with the initial user voice call request received along the cellular radio voice path at the control center", and the center then sends "the requested user-

location service information from the control center to the user" (specified in claim 2 as via the cellular radio voice path).

As explained at the top of page 6 in applicants' specification, this "novel idea of separating voice and data channels to accomplish cost economy" also results in "the reduction of the hardware costs".

These same limitations of exemplary claim 1, as amended, are also contained in dependent claims 2-5 and claims 6 and 14-16, and in each of corresponding apparatus claims 7-11, 12 and 13, 17 and 18--clearly defining specific operational step and apparatus limitations outside the scope of the Johnson patent, and certainly not taught in any of the Brewster, Sheffer or Hollenberg patents.

Nowhere in the Johnson patent (or in the Brewster, Sheffer or Hollenberg patents), moreover, can there be found any suggestion, teaching or motivation to combine the references that might serve to support a proper obviousness analysis, and certainly none of these patents, individually or collectively, teaches the solution of applicants' problem by applicants' claimed separating the use of the voice channel communication over the cellular radio voice channel path from all data communication that is separately sent over the different data radio control channel path.

There is simply no way to find in the references the specific combinations and limitations of the claims, particularly as amended.

Even if all the references were properly somehow combinable, applicants and counsel can find absolutely no disclosure of this specifically claimed different channel path voice and data separation; and therefore, should the Office persist in this rejection, would, with respect, request the Office to apply claim 1, step-by-step (not generalities) to the references in order to aid applicants in understanding what applicants and counsel are presently utterly at a loss to understand, as above demonstrated.

Reconsideration and allowance of claims 1-18, particularly as amended, are therefore believed to be in order and are accordingly respectfully requested.

Any costs incurred by this amendment, including for required time extensions, petition for which is hereby requested, may be charged to account No.18-1425 of the undersigned attorneys.

Very Respectfully,

By Robert H. Rines

Robert H. Rines
Attorney for Applicants
Reg. No. 15,932

Date: January 5, 2004
Rines and Rines
81 North State Street
Concord, NH 03301
Reg. No. 15,932
Tel. (603) 228-0121

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I caused to be mailed by the United States Express Mail Service, No. EV 080862038 US, under date of January 5, 2004 postage pre-paid, Amendment B, Paper No. 8 with reference to USSN 09/235,606, filed January 20, 1999, entitled "Improved Method Of And System For Portable Cellular Phone Voice Communication And Positional Location Data Communication Using The Cellular Phone Network Control Channel"
Inventor: William Duvall
Assignment to: LoJack Corporation

Irene O'Mara

Irene O'Mara

Date: January 5, 2004